

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION
NO. 5:17-CR-184-BR

FILED IN OPEN COURT
ON 1/30/18 SE
Peter A. Moore, Jr., Clerk
US District Court
Eastern District of NC

UNITED STATES OF AMERICA :
 :
 v. :
 :
 LINH VAN NGUYEN :

PRELIMINARY ORDER OF FORFEITURE

WHEREAS, pursuant to the entry of the Memorandum of Plea Agreement entered into by the defendant, Linh Van Nguyen on September 12, 2017, and the Consent to Forfeiture entered on January 29, 2018, the following property is hereby forfeitable pursuant to 18 U.S.C. § 982(a)(1), to wit:

a) A 2006 Yamaha 230-AR vessel bearing hull identification number YAMCR213J506, equipped with 2006 Yamaha twin jet drive engines, Model JF-100BN, bearing serial number 1013569 and serial number 1013570. Included is a 2006 MFI vessel trailer, Model YMH230-P, bearing serial number 4J2CDTU2261084938. Vessel, engines, and trailer were purchased on 08/08/2015 from the Boat Rack, 7565 E. NC Hwy 150, Sherrills Ford, North Carolina 28673;

b) \$129,816.18 representing the proceeds of the offense set forth in Count One of the Criminal Information; and

c) Any other documents, computers, peripherals, motor vehicles, and other property that facilitated, or constitute proceeds of the charged offense; and

WHEREAS, by virtue of said Memorandum of Plea Agreement and the Consent to Forfeiture and the defendant's agreement therein, the United States is now entitled to possession of said property pursuant to Fed. R. Crim. P. 32.2(b)(3);

It is hereby ORDERED, ADJUDGED and DECREED:

1. That based upon the Memorandum of Plea Agreement and the Consent to Forfeiture as to the defendant, Linh Van Nguyen, the United States is hereby authorized to seize the above-stated property, and it is hereby forfeited to the United States for disposition in accordance with the law, including destruction, subject to the provisions of 21 U.S.C. § 853(n), as allowed by Fed. R. Crim. P. 32.2(b)(3). In accordance with Fed. R. Crim. P. 32.2(b)(4)(A), this Order is now final as to the defendants.

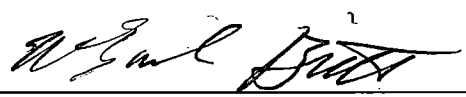
2. That upon sentencing and issuance of the Judgment and Commitment Order, the Clerk of Court is directed to incorporate a reference to this Preliminary Order of Forfeiture in the applicable section of the Judgment, as required by Fed. R. Crim. P. 32.2(b)(4)(B).

3. That pursuant to 21 U.S.C. § 853(n), the United States shall publish notice of this Order and of its intent to dispose of the property in such manner as the Attorney General or the Secretary of Treasury directs, by publishing and sending notice in the same manner as in civil forfeiture cases, as provided in Supplemental Rule G(4). Any person other than the defendants, having or claiming any legal interest in the subject property must file a petition with the Court within 30 days of the publication of notice or of receipt of actual notice, whichever is earlier.

The petition must be signed by the petitioner under penalty of perjury and shall set forth the nature and extent of the petitioner's right, title, or interest in the subject property, and must include any additional facts supporting the petitioner's claim and the relief sought.

4. That upon adjudication of all third party interests this Court will enter a Final Order of Forfeiture pursuant to 21 U.S.C. § 853, as required by Fed. R. Crim. P. 32.2(c)(2).

SO ORDERED. This 30 day of January, 2018.



W. EARL BRITT
Senior United States District Judge